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10 Attorneys for Defendants  
11 DEPUY, INC. and DEPUY SPINE, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 SPOTLIGHT SURGICAL, INC.,

16 Plaintiff,

17 vs.

18 DEPUY, INC. AND DEPUY SPINE, INC.,

19 Defendants.

Case No. CV 07-03362 JF RS

**FIFTH STIPULATION TO EXTEND THE  
DATE FOR DEFENDANTS DEPUY,  
INC.'S AND DEPUY SPINE, INC.' S  
RESPONSE TO COMPLAINT FOR  
FEDERAL UNFAIR COMPETITION,  
CALIFORNIA UNFAIR COMPETITION  
AND COMMON LAW UNFAIR  
COMPETITION**

1 Plaintiff Spotlight Surgical, Inc., on the one hand, and defendants DePuy, Inc. and DePuy  
2 Spine, Inc. ("the DePuy Entities"), on the other, hereby further stipulate and agree, through their  
3 respective counsel, that the deadline for the DePuy Entities to answer or otherwise respond to the  
4 Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15 U.S.C.  
5 § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law Unfair  
6 Competition ("Complaint") is continued until January 28, 2008.

7 Dated: December 20, 2007

MORGAN, LEWIS & BOCKIUS LLP

8  
9 By /LCM/  
Leslie C. McKnew

10 Attorneys for Defendant DEPUY, INC. and  
11 DEPUY SPINE, INC.

12 Dated: December 20, 2007

13 HELLER ERHMAN LLP

14  
15 By   
Harold J. Milstein

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17 SURGICAL, INC.